



Federal Communications Commission
Washington, D.C. 20554

October 13, 2010

In Reply Refer to:
1800B3

Mr. Andrew Skotdal
CAAM Partnership, LLC
P.O. Box 5267
Everett, Washington 98206-5267

In re: New (AM), Snohomish, WA
Facility ID No. 160891
File No. BNP-20071010ABZ

Environmental Assessment

Dear Mr. Skotdal:

The Commission has before it the referenced application, as amended (the "Application"), of CAAM Partnership, LLC ("CAAM") for a new AM broadcast station in Snohomish, Washington. In a letter dated June 18, 2010 ("*Letter*"), we requested certain additional information with respect to the environmental effects of the proposal. We indicated that we required the information in order to complete processing of the Application and provided CAAM 90 days in which to respond. CAAM amended the Application on September 13, 2010, in response to the *Letter*. We have reviewed the amendment and find it does not include all of the information we requested. Accordingly, we hereby notify CAAM that, if we do not receive the remaining information within 30 days, we will dismiss the Application for failure to respond to a request for additional information under Section 73.3568 of the Commission's Rules ("Rules").¹

In the *Letter*, we notified CAAM that the Environmental Assessment ("EA") submitted with the Application was deficient in two significant respects. First, it failed to adequately address the impact of CAAM's proposal on "districts, sites, buildings, structures, or objects, significant in American history, architecture, archaeology, engineering, or culture, that are listed, or are eligible for listing, in the National Register of Historic Places." We requested that CAAM determine whether additional historic properties had been identified within the Area of Potential Effects for the towers since the issuance of the July 9, 2001, letter from the State of Washington, Office of Community Development, Office of Archaeology and Historic Preservation ("OAHP") on which it sought to rely. We reminded CAAM that it must follow the process set forth in the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission* ("NPA"),² which includes preparation and submission of an FCC Form 620 to the state historic preservation officer. Second, we found the information provided regarding the "cumulative effects" of both the existing and proposed towers to be insufficient. We requested that CAAM take three steps to address this. We requested that CAAM seek input from the U.S. Fish and Wildlife Service ("USFWS") on the updated

¹ 47 C.F.R. § 73.3568

² Memorandum Opinion and Order, 20 FCC Rcd 1073 (2004).

Biological Assessment submitted with the EA. We also requested that CAAM "submit additional information updating the findings in the original Biological Assessment regarding Dolly Varden, Chinook Salmon and Coho Salmon." Finally, we requested that CAAM inform us as to "whether there have been any takings of migratory birds" by the existing towers at its proposed site.

CAAM amended the Application in response to the *Letter* on September 13, 2010. CAAM submitted a letter from OAHP, dated September 1, 2010. In the letter, OAHP concurs with CAAM's finding that its project will result in "No Historic Properties Affected." The letter notes that OAHP relied upon "documentation" provided by CAAM in reviewing CAAM's proposal. Neither the letter nor the CAAM amendment describe this documentation. CAAM also submitted a copy of electronic correspondence from USFWS dated July 16, 2010. CAAM did not submit any updated information regarding Dolly Varden, Chinook Salmon and Coho Salmon, nor did it indicate whether there have been any takings of migratory birds by the existing towers at CAAM's proposed site.

We find that CAAM's response to the *Letter* was deficient. We hereby request that CAAM remedy this by (1) describing the documentation that it provided to OAHP and upon which OAHP based its review of the CAAM proposal and indicating whether CAAM prepared an FCC Form 620 and submitted it to OAHP as required by the NPA; (2) updating the findings in the original Biological Assessment regarding Dolly Varden, Chinook Salmon and Coho Salmon; and (3) informing the Commission as to whether there have been any takings of migratory birds by the existing towers at CAAM's proposed site. If we do not receive this information within 30 days, we will dismiss the Application for failure to respond to a request for additional information under Section 73.3568 of the Rules.³

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau

Enclosure

cc: Robert Jacobi, Esq. (Counsel for the Applicant)
Citizens to Preserve the Upper Snohomish River Valley
Stewards of the Land and Community
Angela Day
Albert C. Highberger

³ 47 C.F.R. § 73.3568.